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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 7.9.2006.

Smt. Paramjit Kaur .. Petitioner.

vs

Vikram Singh and others ... Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.Munish Mittal,Advocate,for the petitioner.

Kiran Anand Lall, J.

The petitioner, who is respondent no.3 in the election petition, pending before the Additional Civil Judge (Senior Division), Karnal, was proceeded ex-parte on 14.6.2005, due to her absence. Later on, ex-parte proceedings against her were ordered to be set aside, vide order dated 9.1.2006, subject to payment of Rs.500/- as costs, and the case was adjourned to 27.1.2006 for payment of costs and filing of written statement. Since on 27.1.2006, the petitioner did not pay costs nor filed written statement, the court dismissed her application for the setting aside of ex-parte proceedings and further ordered that the ex-parte order dated 14.6.2005 shall remain intact. The case then entered the stage of evidence and was adjourned to 1.3.2006 and again to 13.4.2006, for the purpose. But, the petitioner did not appear in court on either of these two dates.

However, on 12.6.2006, the petitioner filed an application for review of the order dated 27.1.2006, praying that she be allowed to pay costs and file written statement since she could not do so earlier as she was not aware of the date of hearing.

The court of Additional Civil Judge (Senior Division) rightly

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dismissed the review petition, since it found that the conditional order (dated 9.1.2006) for setting aside ex-parte proceedings against her, Annexure P1, had not been passed in her absence but was passed in the presence of her counsel. Even on the next date viz. 27.1.2006 (Re; Annexure P4), her counsel was present in court on her behalf but had not paid costs nor filed written statement.

In view of the above, no fault can be found with the impugned order dated 21.7.2006, vide which the court of Additional Civil Judge (Senior Division) dismissed the application of the petitioner-herein for review of the order dated 27.1.2006.

The petition shall, accordingly, stand dismissed, in limine.

7.9.2006. (Kiran Anand Lall)
vs. Judge.